

REMARKS/ARGUMENTS

The Office Action mailed November 16, 2006 has been carefully reviewed. Reconsideration of this application, as amended and in view of the following remarks, is respectfully requested. The claims presented for examination are: claims 1-4.

35 U.S.C. 102(e) Rejection

In numbered paragraph 2 of the Office Action mailed November 16, 2006, claims 1-4 were rejected under 35 U.S.C. 102(e) as being anticipated by the Kurz et al reference (U. S. Patent No. 6,296,622).

Applicant has amended independent claim 1; therefore claim 1 is now presented in amended form. Claims 2-4 depend from independent claim 1. Applicant believes the invention claimed in amended claim 1 is not anticipated by the Kurz et al reference. The standard for a 35 U.S.C. §102 rejection is stated in RCA Corp. v. Applied Digital Systems, Inc, 221PQ 385, 388 (d. Cir. 1984) "Anticipation is established only when a single prior art reference discloses, either expressly or under principles of inherency, each and every element of a claimed invention."

Applicant points out that the following steps of Applicants' amended claim 1 are not found in the Kurz et al reference:

"a method of manufacturing an actuator system for acting upon a blockage in a vessel of a vascular system," or

"providing a catheter adapted to be moved through the vessel to the blockage," or

"providing an optical fiber with a distal end, said optical fiber adapted to be carried by said catheter," or

"providing a diffusing chamber connected to said distal end of said optical fiber," or

"processing a shape memory polymer material so that it will expand into a somewhat umbrella shape upon being activated and act on the blockage," or

"operatively connecting said shape memory polymer material to said distal end of said optical fiber and to said diffusing chamber," or

"providing an optical source that provides light energy through said optical fiber to said diffusing chamber and to said shape memory polymer material to activate said shape memory polymer material so that it will expand into a somewhat umbrella shape and act on the blockage," or

"connecting said optical source to said optical fiber to provide light energy through said optical fiber to said diffusing chamber and to said shape memory polymer material to activate said shape memory polymer material so that it will expand into a somewhat umbrella shape and act on the blockage."

Since the steps described above are not found in the Kurz et al reference, the Kurz et al reference does not support a 35 U.S.C. §102(e) rejection of Applicants' amended claim 1 or dependent claims 2-4 and the rejection should be withdrawn.

SUMMARY

The undersigned respectfully submits that, in view of the foregoing amendments and the foregoing remarks, the rejections of the claims raised in the Office Action dated November 16, 2006 have been fully addressed and overcome, and the present application is believed to be in condition for allowance. It is respectfully requested that this application be reconsidered, that the claims be allowed, and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (925) 424-6897.

Respectfully submitted,



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